

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMAR ALLEN,

Plaintiff,

v.

WILLIAM MEILLER and TRISHA STRECKER,

Defendants.

ORDER

12-cv-94-slc

On October 12, 2012, I ordered plaintiff to submit an affidavit of indigency to support his request for leave to proceed *in forma pauperis* on appeal. In response to that order, plaintiff submitted an affidavit of indigency on November 7, 2012. From the affidavit plaintiff provided, I cannot determine whether he qualifies for indigent status. To make this determination, I need to know why plaintiff indicated that he is employed in Section I (2) of the affidavit, but in Section II, he states that his monthly income is “NA.” In addition, plaintiff does not indicate how he pays for his living expenses, such as food and rent. In these respects, plaintiff’s affidavit of indigency information is ambiguous and incomplete.

To clear all this up, plaintiff may have until December 10, 2012 to submit an amended affidavit of indigency which indicates whether or not he is actually employed, states his actual gross monthly income from all sources and an explanation as to how he pays for his daily living expenses. I am enclosing a blank affidavit of indigency form to plaintiff with this order.

ORDER

IT IS ORDERED that a decision whether plaintiff Jamar Allen may proceed *in forma pauperis* on appeal in this action is further STAYED. Plaintiff may have until December 10,

2012, in which to an amended affidavit of indigency and return it to the court. If plaintiff fails to provide this requested financial information in a timely fashion, then the court will deny his request for leave to proceed *in forma pauperis* on appeal for failure to show that he is indigent.

Entered this 16th day of November, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Jamar Allen
Full name of plaintiff(s)

Case No. 12-cv-94-slc
(Provided by the clerk of court)

v.

William Meiller, et al.,
Full name of defendant(s)

**PETITION AND AFFIDAVIT TO PROCEED
WITHOUT PREPAYMENT OF FEES AND/OR COSTS**

I, _____, declare that I am the plaintiff or petitioner in the above-named action. In support of my request to proceed in forma pauperis, I declare that I am unable to pay the fees and/or costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion. I answer the following questions truthfully and under penalty of perjury (additional pages may be added, if necessary, to provide complete information):

I. Personal Information

1) Are you currently incarcerated? ☐ Yes ☐ No

If "No," go to question 2. Complete all sections.

If "Yes," answer questions (a), (b) & (c), skip to Section IV. Complete sections IV and V.

(a) State the place of your incarceration and provide your prisoner identification number:

(place) (number)

(b) Are you employed at the institution? ☐ Yes ☐ No

(c) Do you receive any payment from the institution? ☐ Yes ☐ No

If you are a prisoner, attach a printout of your prison trust account statement showing transactions for the six-month period immediately preceding the filing of your complaint, motion, or petition and showing the balance of your release account. Prisoners who are permitted to file in forma pauperis must pay the full filing fee in installments.

Personal Information - continued2) Are you employed? ☐ Yes ☐ No3) Are you currently married? ☐ Yes ☐ No
If "Yes," is your spouse employed? ☐ Yes ☐ No4) Do you have any legal dependents (children/adults) whom you are responsible for supporting?
☐ Yes ☐ No

If "Yes," list them below:

| <u>First and Last Initials (For Minor Children Only) or Name</u> | <u>Relationship to You</u> | <u>Age</u> | <u>Amount of Support Provided Per Month</u> |
|--|----------------------------|------------|---|
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | \$ _____ |

II. Income - If you are married, your answers ***must include your spouse's income.****(When calculating income, you must include any salary, child support, public assistance, unemployment compensation, disability payments, life insurance payments, pensions, annuities, workers' compensation, stock dividends and interest, gifts, and inheritance, or other incoming monies.)*State your total *monthly* income? \$ _____

Provide the name of your employer(s): _____

State your spouse's total *monthly* income? \$ _____

State the amount of money you have received from any other source in the last twelve months (e.g., rent payments, pension or insurance payments, gifts, inheritance, disability or workers' compensation payments). Please attach an additional sheet if necessary.

| <u>Source of income</u> | <u>Amount</u> |
|-------------------------|---------------|
| _____ | \$ _____ |
| _____ | \$ _____ |

III. Expenses - If you are married and/or have dependents, ***your expenses should also include your household's expenses.***

(When calculating household expenses, you may include groceries, clothing, medical costs, utilities which are not included in your rental payments, transportation, and insurance.)

1) Identify the following amounts that you pay per month:

☐ Rent or ☐ Mortgage \$ _____

Car payment(s) \$ _____

Alimony and/or court-ordered child support \$ _____

Credit card payment(s) \$ _____

2) Do you have any other monthly expenses that you have not already identified?

☐ Yes ☐ No

If "Yes," list them below:

| <u>Expense</u> | <u>Amount</u> |
|----------------|---------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

3) What is the total amount of your monthly expenses? \$ _____

IV. Property - If you are married, your answers must ***include your spouse's property.***

1) Do you own a car? ☐ Yes ☐ No If "Yes," list car(s) below:

| <u>Make and Model</u> | <u>Year</u> | <u>Approximate Current Value</u> |
|-----------------------|-------------|----------------------------------|
| _____ | _____ | \$ _____ |
| _____ | _____ | \$ _____ |

2) Do you own your residence(s)? ☐ Yes ☐ No

If "Yes," state the approximate value(s). \$ _____

What is the amount of equity (assessed value of residence minus outstanding mortgage balance) in the residence(s)? \$ _____

IV. Property - continued

3) Do you own any other valuable tangible property, including but not limited to, jewelry, artwork, or antiques? ☐ Yes ☐ No

If "Yes," identify the property and approximate value(s).

| <u>Property</u> | <u>Approximate Value</u> |
|-----------------|--------------------------|
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |

4) Do you have any cash or checking, savings, or other similar accounts? ☐ Yes ☐ No

If "Yes," state the total amount of such sums. \$ _____

5) Do you own any intangible property, including but not limited to real estate, stocks, bonds, trusts, or individual retirement accounts (e.g., IRA, 401 k)?
☐ Yes ☐ No

If "Yes," state the nature of that property and approximate value(s).

V. Other Circumstances - Describe any other financial circumstance(s) that you would like the court to consider when reviewing this petition.

Date

Signature - Signed Under Penalty of Perjury